

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1, 3-18, and 20-21 were pending in the application, of which Claims 1, 14, and 17 are independent. In the Office Action dated October 20, 2005, Claims 1, 3-18, and 20-21 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1, 3-18, and 20-21 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of the Claims 1, 3-6, 9, 10, 12-17, 20, and 21 Under 35 U.S.C. § 103(a)

In the Office Action dated October 20, 2005, the Examiner rejected Claims 1, 3-6, 9, 10, 12-17, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,311,057 ("Barvesten") in view of U.S. Patent No. 6,553,221 ("Nakamura") and further in view of U.S. Patent No. 5,930,701 ("Skog"). Claims 1, 14, and 17 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter. Support for these amendments can be found in the specification at least on page 12, lines 11-17.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message directing a user to a missing call log, forwarding the stored caller identification information to the wireless telephone for storage in the missed call log on the wireless telephone." Amended Claims 14 and 17 each includes a similar recitation.

Consistent with an embodiment of the claimed invention, a method 300 is described for purposes of an exemplary call flow, assume that a wireless telephone services subscriber operates a wireless telephone 55 on which the subscriber receives caller identification information on calling parties. (See specification, page 9 line 29 through page 10, line 2.) At step 350 in method 300, if the wireless telephone 55 is registered for service, the method proceeds along a "YES" branch to step 355. (See specification, page 12, lines 11-12.) At step 355, all saved caller identification information for any calls missed by the wireless telephone 55 during the out of service period are forwarded to the wireless telephone 55. (See specification, page 12, lines 12-14.) Depending on the wireless telephone model, the user may receive a missed calls message directing the user to a missed calls log where the user will find a listing of all telephone calls missed during the out of service period including the caller identification information for each of the missed calls. (See specification, page 12, lines 14-18.) Consequently, according to an embodiment of the claimed invention, a stored caller identification information may be forwarded to the wireless telephone for storage in the missed call log on the wireless telephone if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message.

In contrast, *Barvesten* at least does not disclose the aforementioned recitation from Claim 1. For example, *Barvesten* merely discloses that several different A-subscribers may have attempted to call the mobile station 10 during its period of unavailability, and in such cases name and number information relating to all these subscribers are transmitted to the mobile station, once it becomes available. (See col.

5, lines 50-54.) In *Barvesten*, stored caller identification information is not forwarded to the wireless telephone for storage in the missed call log on the wireless telephone if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message. Rather in *Barvesten*, name and number information is transmitted to the mobile station once it becomes available. Applicants respectfully submit that *Barvesten* is completely silent regarding forwarding a missed call log based upon a wireless telephone model determination.

Moreover, the Examiner merely states that it is inherent (from *Barvesten*) that the MSC 16 determines if the mobile station 10 is able to receive the message, such as if mobile station 10 is a subscriber to its service. (See Office Action, page 3, line 8-10. Applicants respectfully submit that inherency requires inevitably. Thus, to be inherent the alleged result must be inevitable from the operation disclosed or the inherent characteristic must be inevitably present in the device. (See *Akamai Technologies, Inc. v. Cable & Wireless Internet Serv., Inc.*, 344 F.3d 1186, 1192, 68 USPQ2d 1186, 1190 (Fed. Cir. 2003) ("A claim limitation is inherent in the prior art if it is necessarily present in the prior art, not merely probably or possibly present.") Applicants respectfully submit that, even if the Examiner's contention were true, it is not inevitable from *Barvesten* that MSC 16 determines if the mobile station 10 is able to receive the message. Furthermore, Applicants submit that it is not inevitable from *Barvesten* that MSC 16 determines if the mobile station 10 is able to receive the message based on the wireless telephone model. Applicants respectfully submit that *Barvesten* is completely silent (including any alleged inherencies) regarding forwarded a missed call log based upon a wireless telephone model determination. As a result, Applicants respectfully assert that

the Examiner has failed to make a *prima facie* case of obviousness regarding independent Claims 1, 14, and 17. In order to make a *prima facie* case of obviousness, the Examiner must set forth prior art which teach or suggest every claim limitation. (See MPEP § 2143.)

Furthermore, *Nakamura* does not overcome *Barvesten*'s deficiencies. *Nakamura* merely discloses that when the called terminal becomes capable of accepting a call, a call setup message transmission apparatus reads out the stored incoming call information, produces a call setup message containing the incoming call information, and then transmits the call setup message to the called terminal. (See Abstract.) Like *Barvesten*, *Nakamura* at least does not disclose forwarding a stored caller identification information to a wireless telephone for storage in the missed call log on the wireless telephone if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message. In other words, Applicants respectfully submit that *Nakamura* is also completely silent regarding forwarding a missed call log based upon a wireless telephone model determination.

Moreover, *Skog* does not overcome *Barvesten*'s and *Nakamura*'s deficiencies. *Skog* merely discloses that in response to an indication that a mobile station 30 is reachable, an application module 420 within an HLR 50 retrieves previously stored calling party number associated with an attempted incoming call received while the mobile station was unreachable. (See col. 7, lines 57-62.) Like *Barvesten* and *Nakamura*, *Skog* at least does not disclose a stored caller identification information to a wireless telephone for storage in the missed call log on the wireless telephone if it is determined, based on the wireless telephone model, that the wireless telephone is

capable of receiving a missing call message. Applicants further submit that *Skog* is also completely silent regarding forwarding a missed call log based upon a wireless telephone model determination.

Combining *Barvesten* with *Nakamura* and *Skog* would not have led to the claimed invention because *Barvesten*, *Nakamura*, and *Skog*, either individually or in combination, at least do not disclose "if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message directing a user to a missing call log, forwarding the stored caller identification information to the wireless telephone for storage in the missed call log on the wireless telephone", as recited by amended Claim 1. Amended Claims 14 and 17 each includes a similar recitation. Accordingly, independent Claims 1, 14, and 17 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 14, and 17.

Dependent Claims 3-6, 9, 10, 12-13, 15-16, 20, and 21 are also allowable at least for the reasons described above regarding independent Claims 1, 14, and 17, and by virtue of their respective dependencies upon independent Claims 1, 14, and 17. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 3-6, 9, 10, 12-13, 15-16, 20, and 21.

II. Rejection of Claims 7, 8, 11, and 18 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 7, 8, 11, and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Barvesten* in view of *Nakamura* further in view of *Skog* and further in view of U.S. Patent No. 5,805,997 ("*Farris*"). Dependent

Claims 7, 8, and 11 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 1, "if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message directing a user to a missing call log, forwarding the stored caller identification information to the wireless telephone for storage in the missed call log on the wireless telephone." Furthermore, dependent Claim 18 is patentably distinguishable over the cited art for at least for the reason that it includes, due to its dependency on amended independent Claim 17, a similar recitation.

As stated above, according to an embodiment of the claimed invention, a stored caller identification information may be forwarded to a wireless telephone for storage in a missed call log on a wireless telephone if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message.

In contrast, and as stated above, *Barvesten* at least does not disclose the aforementioned recitation from Claim 1. For example, *Barvesten* merely discloses that several different A-subscribers may have attempted to call the mobile station 10 during its period of unavailability, and in such cases name and number information relating to all these subscribers are transmitted to the mobile station, once it becomes available. (See col. 5, lines 50-54.) In *Barvesten*, stored caller identification information is not forwarded to the wireless telephone for storage in the missed call log on the wireless telephone if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message. Rather in *Barvesten*, name and number information is transmitted to the mobile station once it becomes available.

Applicants respectfully submit that *Barvesten* is completely silent regarding forwarding a missed call log based upon a wireless telephone model determination.

Furthermore, and as stated above, *Nakamura* does not overcome *Barvesten*'s deficiencies. *Nakamura* merely discloses that when the called terminal becomes capable of accepting a call, a call setup message transmission apparatus reads out the stored incoming call information, produces a call setup message containing the incoming call information, and then transmits the call setup message to the called terminal. (See Abstract.) Like *Barvesten*, *Nakamura* at least does not disclose forwarding a stored caller identification information to a wireless telephone for storage in the missed call log on the wireless telephone if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message. In other words, Applicants respectfully submit that *Nakamura* is also completely silent regarding forwarding a missed call log based upon a wireless telephone model determination.

Moreover, and as stated above, *Skog* does not overcome *Barvesten*'s and *Nakamura*'s deficiencies. *Skog* merely discloses that in response to such an indication that the mobile station 30 is now reachable, the application module 420 within the HLR 50 retrieves the previously stored calling party number associated with the attempted incoming call received while the mobile station was unreachable as illustrated in FIG. 4. (See col. 7, lines 57-62.) Like *Barvesten* and *Nakamura*, *Skog* at least does not disclose a stored caller identification information to a wireless telephone for storage in the missed call log on the wireless telephone if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call

message. Applicants further submit that *Skog* is also completely silent regarding forwarding a missed call log based upon a wireless telephone model determination.

Moreover, *Farris* does not overcome *Barvesten's*, *Nakamura's*, and *Skog's* deficiencies. *Farris* merely discloses a system for sending control signals from a subscriber station to a network controller using cellular digital packet data (CDPD) communication. Like *Barvesten*, *Nakamura*, and *Skog*, *Farris* at least does not disclose a stored caller identification information to a wireless telephone for storage in the missed call log on the wireless telephone if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message. Applicants further submit that *Farris* is also completely silent regarding forwarding a missed call log based upon a wireless telephone model determination.

Combining *Barvesten* with *Nakamura*, *Skog*, and *Farris* would not have led to the claimed invention because *Barvesten*, *Nakamura*, *Skog*, and *Farris* either individually or in combination, at least do not disclose "if it is determined, based on the wireless telephone model, that the wireless telephone is capable of receiving a missing call message directing a user to a missing call log, forwarding the stored caller identification information to the wireless telephone for storage in the missed call log on the wireless telephone", as included in dependent Claims 7, 8, and 11. Dependent claim 18 includes a similar recitation. Accordingly, dependent Claims 7, 8, 11, and 18 each patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of dependent Claims 7, 8, 11, and 18.

III. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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